IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH JANUARY 2007 / 8TH PAUSHA 1928

Crl.MC.No. 10 of 2007()

CC.184/2006 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE

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PETITIONER: ACCUSED:

M. SURYASEN, S/O.MADHAVAN UNNI,
AGED 32 YEARS, CHENATTU PARAMBU,
AANAPPARA, KUNDAMANGALAM, KOZHIKODE.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA

RESPONDENTS: COMPLAINANT & STATE:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. S. VIPINA, CHENATTUPARAMBU,
AANAPPARA, KUNDAMANGALAM,
KOZHIKODE-71.

R1 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 10 of 2007

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Dated this the 8th day of January, 2007

O R D E R

The petitioner faces allegations under Section 498A I.P.C. The defacto complainant is his wife. Proceedings have been initiated on the basis of a private complaint filed by the respondent/complainant/wife. The police conducted investigation and filed the final report, a copy of which is produced as Annex.III.

2. Cognizance has been taken by the learned Magistrate. The petitioner has received summons from the court. Instead of appearing before the learned Magistrate, he has rushed to this Court with this application under Section 482 Cr.P.C. He prays that the proceedings against him may be quashed.

3. What are the grounds? I shall scrupulously avoid any detailed discussion on the acceptability of the allegations raised, lest it might prejudice the interests of the parties. The crux of the contention is that the allegations are false and not acceptable. At this stage, in proceedings under section 482 Cr.P.C, it would be presumptuous on the part of this court to attempt to resolve disputed

questions of fact. I have gone through the averments in the complaint, copy of which is produced as Annex.I, as also the allegations in the final report, Annex.A3. I am not persuaded to agree that this is a fit case where the extra ordinary inherent jurisdiction available to this Court under Section 482 Cr.P.C. can or ought to be invoked.

4. This Crl.M.C. is accordingly dismissed. I may hasten to observe that the dismissal of this petition will not fetter the rights of the petitioner to claim appropriate relief of discharge/acquittal from the learned Magistrate at the appropriate stage.

(R. BASANT)
Judge

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